

REMARKS

Claims 1, 6, and 11 – 24 are pending in this application.

In a Final Office Action mailed 16 June 2006, the Examiner objected to claim 6 because of an informality and rejected claims 6 and 21 – 24 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 6 has been amended to overcome this objection and associated rejection.

The Examiner further rejected claims 1, 6, and 11 – 24 under 35 USC §102(e) as being anticipated by Amit (US Patent Application Publication No. 2002/0093970). In response thereto, Applicant submits the attached Rule 131 Declaration to swear behind the Amit Publication, thereby removing the Amit Publication as a prior art reference with respect to Applicant's claimed invention. The Rule 131 Declaration discloses evidence of conception of the claimed invention prior to the effective date of the cited Amit Publication and due diligence from prior to the effective date of the cited Amit Publication to the filing of the present application.

The inventors listed in this application have constructively refused to execute the initially drafted Rule 131 Declaration (copy attached), so attached is a Rule 131 Declaration executed by Applicant Representative, Petition Under 37CFR 1.47(a)To Accept The Filing Of A Rule 131 Declaration In The Absence Of All The Inventors' Signatures, Affidavit Filed Under 37CFR 1.47(a) In Support Of A Petition To Accept The Filing Of A Rule 131 Declaration In The Absence Of All Of The Inventors' Signatures. It is believed that these documents satisfy the requirements of 37CFR 1.47(a)to effect the proper filing of a Rule 131 Declaration.

Application No. 09/766736
Amendment dated September 14, 2006
After Final Office Action of June 16, 2006

Docket No.: 013436.0235PTUS
(Bortolini 6-7-1)

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 013436.0235PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
PATTON BOGGS LLP

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